

REMARKS

The Office Action mailed August 25, 2005 has been reviewed and the Examiner's comments have been carefully considered. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and in view of the reasons that follow.

STATUS OF THE CLAIMS

Claims 1-18 were examined. This Amendment adds new claim 19, and amends claims 1, 4, 9, 10 and 11. Since no claims have been canceled, claims 1-19 are presented for reconsideration. Claims 1, 9, 18 and 19 are independent.

Claims 9-17 are allowed. Claims 5 and 7, which are objected to for depending from a currently rejected claim, are said to be allowable.

Claims 1-4, 6, 8 and 18 stand rejected over prior art.

THE AMENDMENTS

Claims 1, 4, 9, 10 and 11 are amended by inserting the word "substantially" in regard to the direction of movement of the movable operating member. This direction is referred to throughout the specification as "substantially radial." See, e.g., ¶ [0015], which explains the meaning of that phrase. Thus, the amendments are made in order to ensure consistency of terminology. Similar amendments are made in ¶ [0008] of the specification and in the abstract.

REJECTION UNDER 35 U.S.C. §102

Claims 1, 2 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Murata et al. (US Patent No. 5,778,840). The rejection is respectfully traversed in the context of the presently pending claims for at least the following reasons.

According to the Office Action, regarding independent claims 1 and 18, the Examiner asserts that Murata's element 13 is a driving rotational member driven by a crankshaft of the engine, and that elements 14, 15, 16 are an installation-angle adjusting mechanism disposed

between the asserted driving rotational member (13) and the driven rotational member (camshaft 11) to transmit a torque of the driving rotational member to the driven rotational member. However, element 13, which denotes a “nonuniform speed coupling” that includes all of the elements 14, 15, 16 (see col. 11, lines 53-62), is *not* driven by the *crankshaft* of the engine. Rather, it is the camshaft 11 that is driven by the crankshaft of the engine (see col. 11, lines 45-47), and the control disk (eccentric member) 14 of nonuniform speed coupling 13 is driven by the electric motor 33 (see Fig. 4 and col. 16, lines 1-10). Thus, no part of the nonuniform speed coupling 13 can be considered “a driving rotational member driven by a *crankshaft* of the engine” as recited in Applicant’s claims 1 and 18.

The Examiner also asserts that Murata’s nonuniform speed coupling 13 is disposed between the driving rotational member and the driven rotational member (camshaft 11). However, nonuniform speed coupling 13 actually is disposed between the camshaft 11 and the cam lobe 12 (see col. 11, lines 52-53) to allow for relative rotation between the camshaft and the cam lobe (see col. 12, lines 55-56). That is, the nonuniform speed coupling 13 does not “var[y] a relative rotation phase *between the crankshaft and the camshaft*” as recited in Applicant’s claims 1 and 18.

Claim 2 is patentable at least based on its dependency from claim 1, for the reasons stated above.

REJECTION UNDER 35 U.S.C. §103

Claims 3, 4, 6, 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata et al. (US Patent No. 5,778,840) in view of Muir et al. (US Patent No. 5,031,585). The rejection is respectfully traversed in the context of the presently pending claims at least based on their dependency from claim 1, for the reasons stated above.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the application is in condition for allowance.

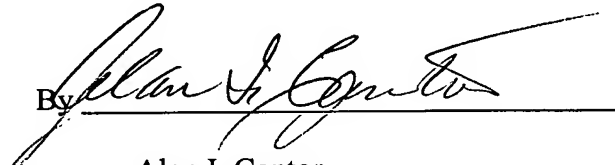
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date NOV 21 2005

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

By 

Alan I. Cantor
Attorney for Applicant
Registration No. 28,163